

REMARKS/ARGUMENTS

The Remarks section below is divided into Subsections A and B. The remarks presented in Subsection B in were previously submitted by response dated October 25, 2006. By the Notice of Non-Compliant Amendment dated January 17, 2007, Applicants were notified that the earlier response was considered non-compliant because of failure to include the substance of telephone interviews conducted with the Examiner on September 13, 2006, and October 12, 2006. Subsection A is therefore hereby added to include the substance of the aforementioned interviews. As now submitted, this Amendment is believed to be responsive to the outstanding Office Action.

A. Substance of Telephone Interviews

On September 13, 2006, and October 12, 2006, Applicants' undersigned attorney conducted separate interviews with the Examiner regarding the outstanding Official Action of April 26, 2006, to which this Amendment is Responsive. The substance of the interviews are separately provided below, and are provided in accordance with MPEP § 713.04.

1. September 13, 2006 Interview

On September 13, 2006, Applicants' undersigned attorney conducted an interview with the Examiner regarding the Official Action of April 26, 2006, during which, no exhibits were shown, or demonstration conducted. During the interview, Applicants' undersigned attorney and the Examiner discussed independent Claim 1 and U.S. Patent No. 6,222,535 to Hurd II. Applicants' undersigned attorney and the Examiner discussed a number of proposed amendments to independent Claim 1. The general nature of these amendments, as well as the principal arguments of Applicants, is reflected in the amendments to the claims presented above and the remarks presented below. Applicants' undersigned attorney and the Examiner did not discuss any other substantive matters during the interview, nor did Applicants' undersigned attorney and the Examiner reach an agreement with respect to the claims.

2. *October 12, 2006 Interview*

On October 12, 2006, Applicants' undersigned attorney conducted a follow-up interview with the Examiner regarding the Official Action of April 26, 2006, during which, no exhibits were shown, or demonstration conducted. During the interview, Applicants' undersigned attorney and the Examiner discussed independent Claim 1 and Hurd. Applicants' undersigned attorney and the Examiner discussed further proposed amendments to independent Claim 1. As with the amendments discussed on September 13, 2006, the general nature of these amendments, as well as the principal arguments of Applicants, is reflected in the amendments to the claims presented above and the remarks presented below. Applicants' undersigned attorney and the Examiner did not discuss any other substantive matters during the interview, nor did Applicants' undersigned attorney and the Examiner reach an agreement with respect to the claims.

B. Response to Official Action

This Amendment is being filed in response to the first Official Action of the third Request for Continued Examination (RCE) of the present application. Initially, Applicants would like to thank the Examiner for taking the time to conduct multiple telephone interviews with Applicants' undersigned attorney regarding the first Official Action. The first Official Action rejects all of the pending claims, namely Claims 1-8 and 10-20, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,535 to Hurd II. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from Hurd. Nonetheless, Applicants have amended Claims 1-3, 5-7, 10-12, 15 and 18-20 to further clarify aspects of the present invention, and added new Claims 21-23 to claim additional patentable features of the present invention. In view of the amended and newly added claims, and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

As previously explained, Hurd provides a system and method for facilitating issue tracking. As disclosed, the system and method utilize a series of graphical user interfaces (GUIs). A first GUI has a first plurality of information accepting fields operable to accept information defining the issue from an originator, including a relative priority of the issue. In

response to entry of such defining information, the information is sent to an assigned party, or can alternatively be placed in a hold state or voided. Once the information is sent to an assigned party, however, the assigned party uses a second GUI (also including a second plurality of information accepting fields) to enter information related to a proposed resolution of the issue. The information related to a proposed resolution of the issue is then forwarded back to the originator to make a determination of whether the proposed resolution is satisfactory.

Amended independent Claim 1 of the present application provides a method of collaboratively identifying, prioritizing, and resolving issues affecting a series of similar complex systems, where the method is implemented over a computer network. As recited, the method includes assessing an impact of each of one or more issues affecting one or more systems in the series. In this regard, the assessed impact of each issue has a quantitative value and includes a combination of impacted human factors and impacted operations factors.

The method of amended independent Claim 1 also includes receiving the issues for posting on a discussion-capable electronic media, and receiving comments corresponding to the posted issues for posting on the electronic media after the respective posted issues. For each issue, the issue and comments corresponding thereto are received by a manufacturer and one or more of a plurality of customers in possession of the affected one or more systems, or by a plurality of the customers, for collaboration with respect to the issue. And one or more of the issues or comments corresponding to one or more of the issues includes the assessed impact of the respective issue(s). In this regard, it should be understood that the impact of one or more issues may be assessed at any point before its inclusion in a respective issue or comment. For example, the impact of an issue may be assessed before being received with the respective issue for posting; or before being received with a comment corresponding to the respective issue, the issue having already been received for posting. Thus, it should be understood that the ordering of the steps as recited in the claim in no way suggests a required order for performing the respective steps.

Amended independent Claim 1 further recites accessing the electronic media by a committee including representatives of the manufacturer and one or more of the customers. In this regard, the committee accesses the electronic media to identify action issues from the posted

issues at least partially based on the posted comments corresponding thereto, and to thereafter prioritize the action issues, where the committee identifies and prioritizes the action issues at least partially based on the assessed impact of the respective issue(s). The committee may assign an action to the manufacturer or one or more of the customers for conducting a resolution investigation thereon. A resolution proposal for the assigned action issue resulting from the corresponding resolution investigation may then be received, where the resolution proposal is accessible by the committee to evaluate the resolution proposal.

In contrast to amended independent Claim 1, Hurd does not teach or suggest assessing an impact of each of one or more issues affecting one or more systems in the series, where the assessed impact of each issue has a quantitative value and includes a combination of impacted human factors and impacted operations factors. Hurd generally discloses that information associated with an issue may include a relative priority of that issue. However, Hurd explicitly discloses that its relative priority represents the importance of a particular issue as compared to other issues. Hurd, col. 3, ll. 5-15. The assessed impact of the claimed invention, on the other hand, represents the impact of an issue with respect to the system(s) affected by that issue.

Also in contrast to amended independent Claim 1, Hurd does not teach or suggest receiving the issues for posting on a discussion-capable electronic media, and after receiving an issue, receiving comments corresponding to the issue for posting on the electronic media for collaboration with respect to the issue. As to the receiving of comments, the Official Action cites Hurd as disclosing receiving an issue description that provides an indication of what the issue is about and its surrounding circumstances, citing column 3 of Hurd. Even if such an issue description could be considered comments corresponding to an issue, Hurd does not disclose that its issue description is received for posting after posting a respective issue for collaboration with respect to that issue, as are the comments of the claimed invention. Instead, Hurd discloses that the issue description is received at the time of opening an issue. Hurd, col. 4, ll. 30-45.

In further contrast to amended independent Claim 1, Hurd generally does not teach or suggest a system or method including a customer, originating entity and committee with representatives of the customer and originating entity collaboratively identifying, prioritizing, and resolving issues. More particularly, in contrast to amended independent Claim 1, Hurd does

not teach or suggest the customer or originating entity posting issues/comments on a discussion-capable electronic media, which is then accessed by the committee for assigning the customer or originating entity to conduct a resolution investigation on one of the issues (an action issue). As disclosed by Hurd, an originator both opens an issue and assigns the opened issue to an assigned party, which then proposes a solution for review/acceptance by interested parties (originator, assigned party, etc.). In the claimed invention, and considering only for the sake of comparison that posting an issue corresponds to opening an issue, an originator (customer and/or manufacturer) opens an issue, but another entity (i.e., a committee including representatives of the customer and manufacturer) assigns the open issue. Further, nowhere does Hurd teach or suggest that the originator (i.e., the party that opened the issue) may also be assigned to solve the issue, in a manner similar to the claimed invention reciting that the customer and/or manufacturer post the issue that either the customer or manufacturer is assigned to conduct a resolution investigation on the issue.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-4, 18 and 21, is patentably distinct from Hurd. Applicants also respectfully submit that amended independent Claims 5 and 11 recite subject matter similar to that of amended independent Claim 1, including the aforementioned features of assessing the impact of an issue, electronic media including issues and comments posted thereon for collaboration with respect to an issue, and an entity separate from an issue-originating entity assigning action issues. Applicants therefore respectfully submit that amended independent Claims 5 and 11, and by dependency Claims 6-8, 10, 12-17, 19, 20, 22 and 23, are also patentably distinct from Hurd for at least the reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-8 and 10-20 as being anticipated by Hurd is overcome.

Appl. No.: 09/656,678
Amdt. dated January 26, 2007
Reply to Official Action of April 26, 2006

CONCLUSION

In view of the amended and newly added claims, and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JANUARY 26, 2007.

LEGAL01/13022387v2